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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,146	06/20/2000	Daiki Kadomatsu	862.C1941	5114

5514 7590 04/16/2007  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/597,146	KADOMATSU, DAIKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kristie D. Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 32-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendments**

*Claims 32 and 36-40 have been amended.*

*Claims 1-31 are cancelled.*

*Claims 32-40 are pending.*

### **Continued Examination Under 37 CFR 1.114**

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/30/2007 has been entered.

### **Response to Arguments**

II. Applicant's arguments with respect to claims 32 and 36-40 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**IV. Claims 32 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ishikawa et al* (US 5,818,970) in view of *Muto et al* (US 6,806,973).**

a. **Per claim 32, *Ishikawa et al* teach a color facsimile apparatus comprising:**

- reading means for reading an image (*col.5 lines 66-col.6 line 1*);
- generating means for generating image data representing the image (*col.1 lines 53-65, col.16 lines 6-16, col.24 lines 60-65*);
- extracting means for extracting data from the image data in minimum processing units for JPEG compression processing (*col.10 lines 44-56*);
- compressing means for executing compression processing for each unit of the extracted data including the unit of the extracted data in which the transmission information is overwritten after overwriting the transmission information by said overwriting means (*col.15 lines 51-56*);
- storing means for storing compressed data by said compressed mean in a memory (*col.15 lines 53-56, col.24 lines 44-51*); and
- transmitting means for transmitting a JPEG image data based on the compressed data stored in the memory (*col.23 lines 23-27, col.24 lines 54-59*).

*Ishikawa et al* teach overwriting transmission information of image data with a header information adder by overwriting line image information in extracted data units (*col.14 lines 60-65, col.15 lines 10-30 and 47-56, col.24 lines 34-40, col.25 lines 57-67*), yet fail to explicitly teach overwriting means for overwriting transmission information of image data for a page header or page footer in a unit of extracted data extracted by said extracting means when the unit of the extracted data is a unit in which the transmission information should be overwritten. However, *Muto et al* teach overwriting transmission information for a header or footer by updating (overwriting by page increments) the transmission data in the header of each page according to the type of page being transmitted and the current page number being transmitted (*Figures 8-10, col.4 lines 30-37 and 49-58, col.5 lines 30-34, col.5 line 63-col.6 line*

Art Unit: 2141

3, col.6 lines 32-46, col.7 lines 1-5, 22-25 and 47-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Ishikawa et al* with *Muto et al* for the purpose of modifying the transmission data of the header of footer to indicate the current transmission status, such as by incrementing the page numbers or indicating other identifying information relative to the fax job.

b. **Claims 36 - 40** contain limitations that are substantially similar to claim 32 and are therefore rejected under the same basis.

c. **Per claim 34**, *Ishikawa et al* with *Muto et al* teach the color facsimile apparatus according to claim 32, further comprising determining means for determining whether the unit of the extracted data is the unit in which the transmission information should be overwritten, and wherein said overwriting means overwrites the transmission information in the unit of the extracted data according to a determination of said determining means (*Muto et al*: col.6 lines 32-46, col.7 lines 1-5, 22-25 and 47-51; *Ishikawa et al*: col.12 lines 20-43, col.14 lines 60-65, col.15 lines 10-30 and 47-56, col.24 lines 34-40, col.25 lines 57-67).

d. **Per claim 35**, *Ishikawa et al* with *Muto et al* teach the color facsimile apparatus according to claim 32, wherein the transmission information indicates at least one of a date, a time, and a number of pages (*Muto et al*: Figures 8-10, col.6 lines 32-46).

V. **Claim 33** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ishikawa et al* (US 5,818,970) in view of *Muto et al* (US 6,806,973) in further view of *Hayashi et al* (US 6,426,809).

**Per claim 33**, *Ishikawa et al* with *Muto et al* teach the color facsimile apparatus according to claim 32, as applied above, with buffering means for successively storing the image data generated by said generating means in a buffer (*Ishikawa et al*: col.5 lines 45-46, col.7 line

Art Unit: 2141

66-col.8 line 30, col.12 lines 7-15, col.14 lines 13-17, col.16 lines 15-27, col.21 lines 4-17; Muto et al: col.3 lines 50-58); yet fail to explicitly teach wherein said extracting means extracts data of a predetermined number of lines corresponding to a unit from the buffer. However, Hayashi et al teach extracting and storing data of a predetermined number of lines associated with page units of a buffer (col.5 line 63-col.6 line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ishikawa et al and Muto et al with Hayashi et al for the purpose of decreasing the memory capacity of the buffers by limiting the number of lines that are extracted and stored.

### Conclusion

**VI.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Saito (5,757,379), Mathur et al (5,991,050), Lee (6,208,427), Oba et al (6,072,599).

**VII.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2141

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
Examiner  
Art Unit 2141

*kds*

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER